

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	Case no. 2:13-cr-00179-LRH-PAL
Plaintiff,)	
)	<u>ORDER</u>
vs.)	
)	
KIMBERLY BAXA,)	
)	
Defendant.)	
_____)	

Pending before the court is defendant's Motion to Recommend Placement into Halfway and/or Home Detention Status (#15¹). No opposition has been filed by the government and defendant states that "the U.S. Attorney believes the matter should be left to the discretion of the Bureau of Prisons."

Pursuant to Title 18 U.S.C. § 3621(b)(4)(B) it appears that the Bureau of Prisons shall designate the place of prisoners' imprisonment and that the Bureau may consider any statement by the court recommending a type of penal or correctional facility.

Here, the court recalls this case and notes that the defendant had no prior criminal history prior to this offense, had very strong character references from family and friends at the time of her sentencing, and had demonstrated positive work history and life style while criminal charges were pending against her. However, the court is of the opinion that it is best left to the Bureau of Prisons to determine conditions of confinement during the final stages of incarceration.

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¹ Refers to the court's docketing number.

1 Defendant's motion (#15) therefore **DENIED as moot.**

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3 IT IS SO ORDERED.

4 DATED this 6th day of October, 2014.

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7 LARRY R. HICKS
8 UNITED STATES DISTRICT JUDGE
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